# IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA

**Criminal Appeal No. 265 of 1993**

**Date of decision: 12.12.2007**

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**State of H.P.** **…Appellant.**

**Versus**

**Kuldeep Chand** **…Respondent.**

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***Coram***

**The Hon'ble Mr. Justice Surjit Singh, Judge.**

**The Hon'ble Mr. Justice Surinder Singh, Judge.**

**Whether approved for reporting?**

**For the appellant** **Mr. D.S. Nainta, Deputy Advocate General.**

**For respondent** **: Mr. Ajay Sharma, Advocate.**

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**Surjit Singh, Judge( Oral )**

Respondent was tried for an offence under Section 306 of the Indian Penal Code for allegedly abetting the commission of suicide by his wife by subjecting her to beatings and ill-treatment.

2. Prosecution examined two uncles, namely Deena Nath (PW-2) and Dhani Ram (PW-11), one aunt namely Sudershana (PW-1) and a step-brother Balwant Kumar (PW-3) of the deceased to prove the allegation that the deceased used to be subjected to beatings and cruelty. Even though these witnesses testified that the deceased used to be subjected to beatings and that once the beating was given in their presence in a marriage function, there is no evidence that on the day of the commission of the suicide by the deceased, or soon before that she had been subjected to any beating or cruelty, because no marks of injuries or violence were found on her dead body, except the ligature marks, which appeared because of the deceased having hanged herself to death.

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**Whether reporters of the local papers may be allowed to see the judgment?**

Nobody from the neighbourhood of the deceased came forward to testify that soon before the commission of suicide by the deceased the accused had subjected her to cruelty or in any other way instigated the commission of suicide by her.

3, In view of the aforesaid statements, we see no merit in the appeal and the same is, therefore, dismissed.

**( Surjit Singh )**
**Judge**

**December 12, 2007 (BC)**

**( Surinder Singh )**
**Judge**